

# BOARD OF ADJUSTMENT REPORT



MEETING DATE: 8/3/2005

ITEM No. \_\_\_\_\_

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Romo Remodel  
**(5-BA-2005)**

REQUEST Request to approve Variance from Article V. Section 5.504.E.1.a regarding the front setback, Section 5.504.E.2.a regarding the side setback and Section 5.504.F.2 regarding the distance between buildings.

OWNER/APPLICANT Michael T. Romo  
CONTACT 480-720-9392

LOCATION 7525 E Windsor Avenue

CODE ENFORCEMENT None  
ACTIVITY

PUBLIC COMMENT The applicant has notified all property owners within 300 ft. of the proposed project. Staff has also sent notices to all property owners within 300 ft. Eleven households in the neighborhood have verbally indicated support for the variances to the applicant, four of them expressing it in an e-mail (see Attachment #7 –Neighborhood Involvement).

Staff received two phone calls from the public, both asking general questions regarding the project.

ZONE The site is zoned Single-Family Residential (R1-7) District.

ZONING/DEVELOPMENT The site is located in the southern portion of the city in an existing neighborhood southwest of the Thomas Road/Miller Road intersection. The property is completely surrounded with existing single-family homes, all zoned Single-Family Residential (R1-7).  
CONTEXT Currently the site is vacant due to a fire.

ORDINANCE  
REQUIREMENTS

- **Article V, Section 5.504.E.1.a** There shall be a front yard having a depth of not less than twenty (20) feet.
- **Article V, Section 5.504.E.2.a** There shall be a side yard on each side of a building having an aggregate width of not less than fourteen (14) feet, provided however, the minimum side yard shall not be less than five (5) feet in width.



- **Article V, Section 5.504.F.2** The minimum distance between main buildings on adjacent lots shall not be less than fourteen (14) feet.

#### DISCUSSION

The applicant would like to remodel the existing home due to a major fire that occurred. It is the applicant's intention to rebuild the house within the same footprint and add additions to the front and rear of the home.

The front yard setback for a Single-Family Residential (R1-7) home is 20 ft. The existing house, including the attached carport meets this requirement. The applicant is seeking a 16 ft. front yard setback in-lieu of the required 20 ft. only at the portion of the house where the attached garage (old carport) is located.

The east and west property lines of the site abut Single-Family Residential (R1-7) districts that both have existing homes. The zoning code for a Single-Family Residential (R1-7) home states a side yard on each side of a building having an aggregate width of not less than fourteen (14) feet, provided however, the minimum side yard shall not be less than five (5) feet in width shall be maintained. In the same vein, another section of the R1-7 zoning district indicates a minimum distance between main buildings on adjacent lots shall not be less than fourteen (14) feet. The applicant seeks to keep the existing distances between the buildings of 10 ft. 6 in. on the east side and 11 ft. on the west side. The existing side yard setback of 5 ft. (east and west sides) will remain the same.

#### FINDINGS

1. **That there are special circumstances applying to the property referred to in the application, which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The applicants response to this question states, a major fire destroyed much of the existing house, the existing house does not meet most of the R1-7 district standards (specifically the setbacks), the existing side yard setbacks will remain the same, and a 20 ft. deep garage is consistent with other garages found in the neighborhood.

Staff analysis concludes that a special circumstance relates to the fact that all of the homes in this area have the same circumstances of not meeting most of the R1-7 district standards, specifically the setbacks.

2. **That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:**

The applicant states that many of the homes in the neighborhood have a 5 ft. side yard setback and do not have an aggregate width of not less than fourteen (14) feet between the homes. The neighbors in the neighborhood enjoy this right and privilege and support the proposed project. There are also many people who enjoy the security of an enclosed garage in the neighborhood. The variance for the side yard setbacks and the front setback will have a minimal cost impact on the proposed remodel.

Staff analysis concludes that the Single-Family Residential (R1-7) zoning standards under today's ordinance are different from Maricopa County development standards creates the special circumstance of this application. Requiring conformance to the current Single-Family Residential (R1-7) development standards would not allow the applicant to enjoy the same circumstances that exist on properties in the neighborhood.

**3. That special circumstances were not created by the owner or applicant:**

The fire was classified as "cause undetermined" by the Fire Department. The City of Scottsdale created the setback circumstances when the property was annexed into the city and gave it the city's zoning district. The variance would not be needed if the house maintained the same zoning district that it was originally zoned and built for.

These homes were built and permitted in Maricopa County under their zoning district standards. When the city annexed the property, the city's Single-Family Residential (R1-7) zoning district was placed on the property, which had slightly different development standards than the counties.

**4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:**

Authorization of the variances will result in a practically new home that supports the revitalization of South Scottsdale and will improve the value of the rest of the homes in the neighborhood. The immediate neighbors agree with the variance request and support the proposed project. The proposed plans will result in a house that is consistent with and compatible with the other homes in the neighborhood.

Staff analysis concludes that the proposal will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

STAFF CONTACT

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Bill Verschuren, Senior Planner  
Report Author  
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E-mail: [Bverschuren@ScottsdaleAZ.gov](mailto:Bverschuren@ScottsdaleAZ.gov)

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Kurt Jones, AICP  
Current Planning Director  
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E-mail: [Kjones@ScottsdaleAZ.gov](mailto:Kjones@ScottsdaleAZ.gov)

ATTACHMENTS

1. Project Description/Variance Details
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. City Notification Map
7. Neighborhood Involvement
8. Proposed Site Plan

## **Project Description / Variance Details**

### **Project Narrative for 7525 E. Windsor Ave. Remodel due to fire**

#### **Project narrative:**

I need to remodel our house due to major damage from a fire (cause undetermined). The home is 1660 livable Sq. Ft. I am taking this opportunity to improve our home and livable space to ~2500 Sq. Ft. This will allow my family to remain in South Scottsdale under our current budget.

It seemed intuitive that I could rebuild along existing original exterior walls of the house. However, I learned that our neighborhood, Cavalier Vista, was rezoned in 1969 when the City of Scottsdale acquired us from the County. This caused our Setback Requirements to be different than when our homes were originally constructed. Now, after my loss due to fire, I cannot build back within the original Setbacks. I am requesting two types of Setback variances:

- 1) That I am allowed to maintain the existing 5 feet Side Setback for the original house walls as well as for the planned addition.
- 2) That I am allowed a Front Setback of 16 feet to enclose my carport into a garage. (Note that the front of the garage will still be 25 ft. from the back edge of the curb.)

Many homes in the neighborhood are built with 5 foot Side Setbacks on both sides just like my home. Maintaining this Setback will allow me to maximize livable space and will minimize cost impact. Complying with the new Side Setback will reduce my plans by more than 400 square feet of livable space.

Many of my neighbors have enclosed their carports for either additional livable space or for a garage. My planned garage enclosure would create an enhanced view from the front of the house, provide security for my family when exiting the car, and provide locked storage space.

I believe that my plans to remodel support the revitalization of South Scottsdale and will help to improve the value of the rest of the homes in the neighborhood.

## **Project Description / Variance Details (cont.)**

### **Scottsdale Ordinance Requires: (Zone R1-7)**

- Sec. 5.504, E1a. Front Setback will be minimum of 20 ft.
- Sec. 5.504, E2a. Side Setback on each side will be 5 ft. minimum and an aggregate not less than 14 ft.
- Sec. 5.504, F2 The minimum distance between main buildings on adjacent lots is 14 ft.

### **Request:**

- Allow 16 ft. front setback for garage
- Maintain 5 ft. side setback on both sides
- Maintain 10 ft. between main buildings on both sides

### **Amount of Variance:**

- 4 ft. variance on front setback. (Note that the front of the garage will still be 25 ft. from the back edge of the curb.)
- 4 ft. variance on side setback aggregate
- 4 ft. variance on minimum distance between main buildings on adjacent lots

## **Justification for Variance**

### **Special circumstances/conditions exist which do not apply to other properties in the district:**

- First, I had a major fire that destroyed much of my house. To my knowledge, this has not occurred to any other homes in my neighborhood. If I am forced to comply with the new zoning requirements I will have to tear down existing side walls and foundation to move in 4 ft. This will add cost, create time delays, and reduce my potential livable square footage by more than 400 sq. ft.
- My house does not meet the minimum lot area of 7000 square feet for an R1-7 zone.
- My house has a pool in the back that limits the expansion towards the rear. In order to achieve similar size homes to other homes in the neighborhood, I need to maintain the existing side setbacks.
- Other homes were built with deep enough carports or front setbacks to allow their garage enclosure to be a reasonable and useable depth. My planned garage will be 20 ft deep if granted the variance and I will be able to reuse the existing back wall of the carport.

### **Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:**

- Many of the homes in the neighborhood continue to maximize livable space with 5 ft. Side Setbacks on both sides. My neighbors on both sides enjoy this right. I feel I should be able to continue to enjoy this right / privilege. My neighbors support this. Reusing existing side walls/foundation and extending the new walls along the same Side Setback will allow me to have minimal cost impact for my remodel.
- Many of my neighbors enjoy having a garage enclosure. I would like to enjoy the security of a garage but need the Front Setback variance in order to make this happen with minimal cost impact.
- My lot does not meet the minimum area for the R1-7 zone requirement. Yet I am not able to enjoy the privilege of maximum livable space due to the larger Setbacks that are assigned for my smaller lot. Normally, smaller lots have smaller Setback requirements to compensate. Note that until my recent house fire, I was able to enjoy the additional livable space.

## **Justification for Variance (cont.)**

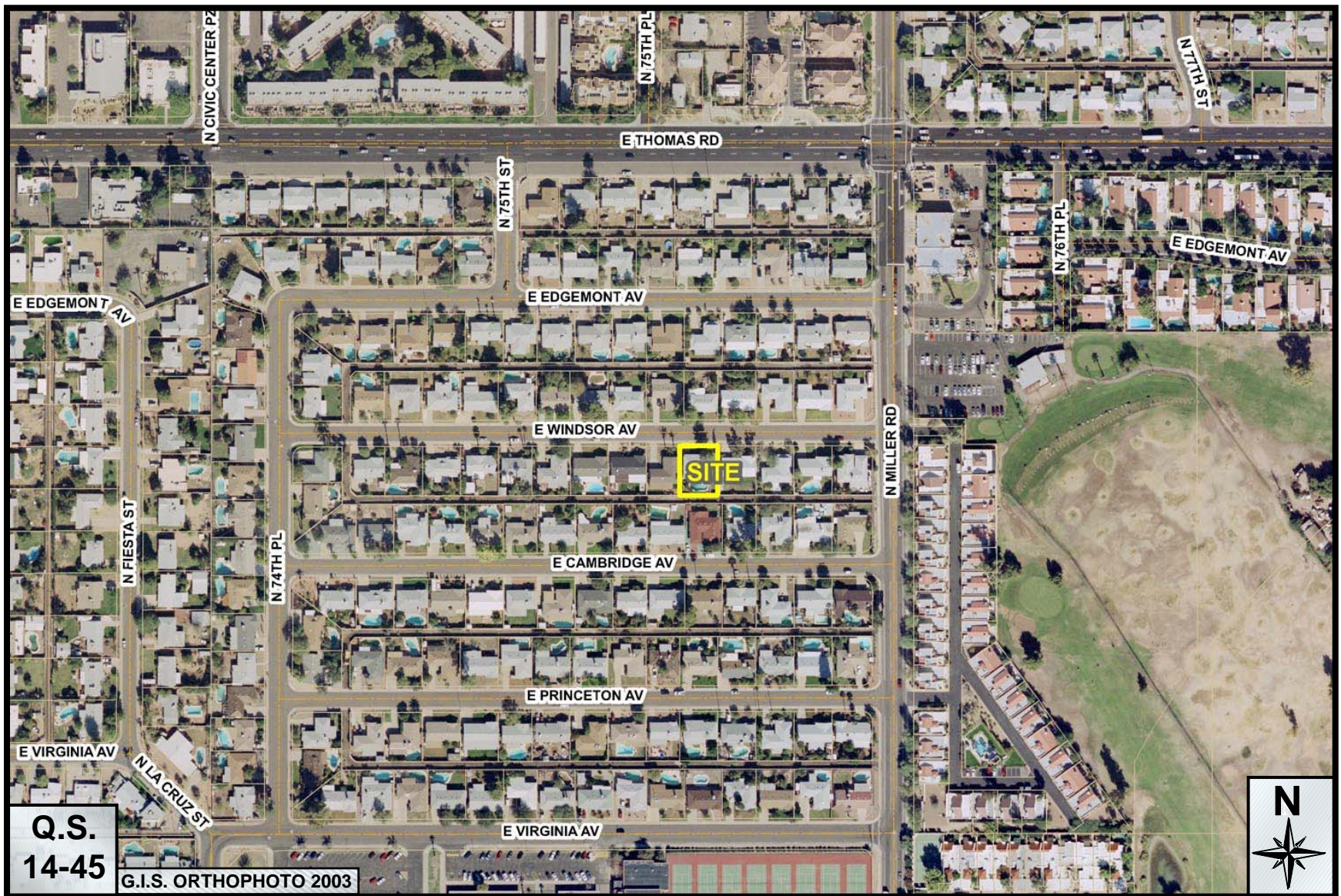
### **Special Circumstances were not created by the owner or applicant:**

- The City of Scottsdale created these circumstances when they rezoned smaller lot areas to zones intended for larger lots. My home is now zoned as R1-7 but the lot size is under the minimum of 7000 square feet. I would not need these variances if my house maintained the Setbacks that it was originally zoned and built for.
- The fire, cause undetermined, was definitely not caused by me.

### **Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:**

- Authorization of this application will result in a practically new home in this neighborhood. My plans to remodel support the revitalization of South Scottsdale and will help to improve the value of the rest of the homes in the neighborhood. (For additional detail see my Neighborhood Involvement Letter)
- My immediate neighbors agree and fully support my plans. Additionally, I have received full support from other neighbors via the Neighborhood Involvement Program. (See attached)
- Many other homes in the neighborhood enjoy the 5 ft. Side Setback on both sides and extend various depths towards the rear of their lots. My plans will result in a house that is consistent with this and will remain compatible with my neighborhood.
- Many other homes in my neighborhood enjoy a garage. (Refer to pictures) My plans will allow my to do the same. I would be enclosing my carport at the existing carport entry with a 4 ft offset which will enhance the view of the front of the home.



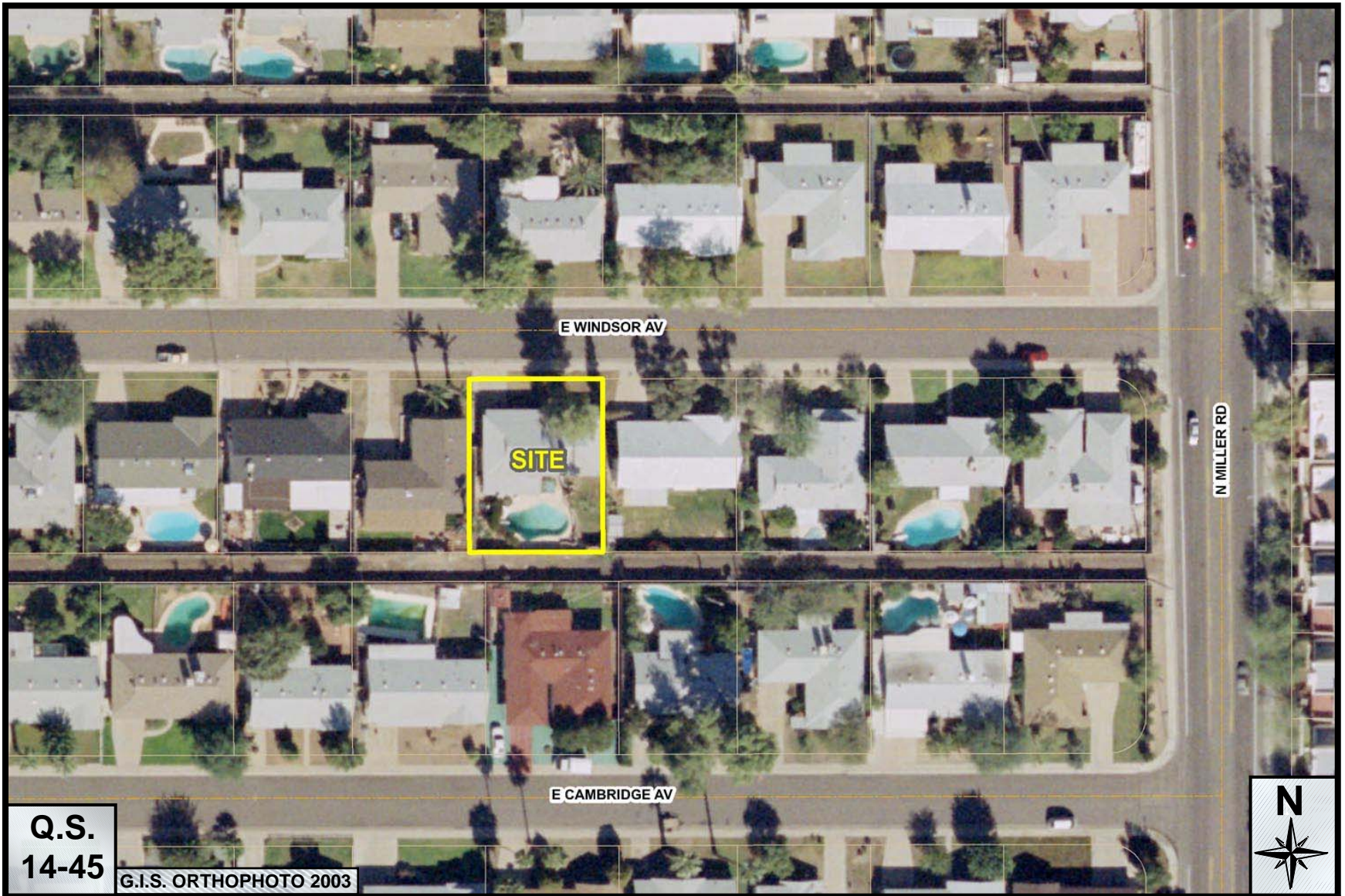


Romo Remodel

5-BA-2005

ATTACHMENT #2

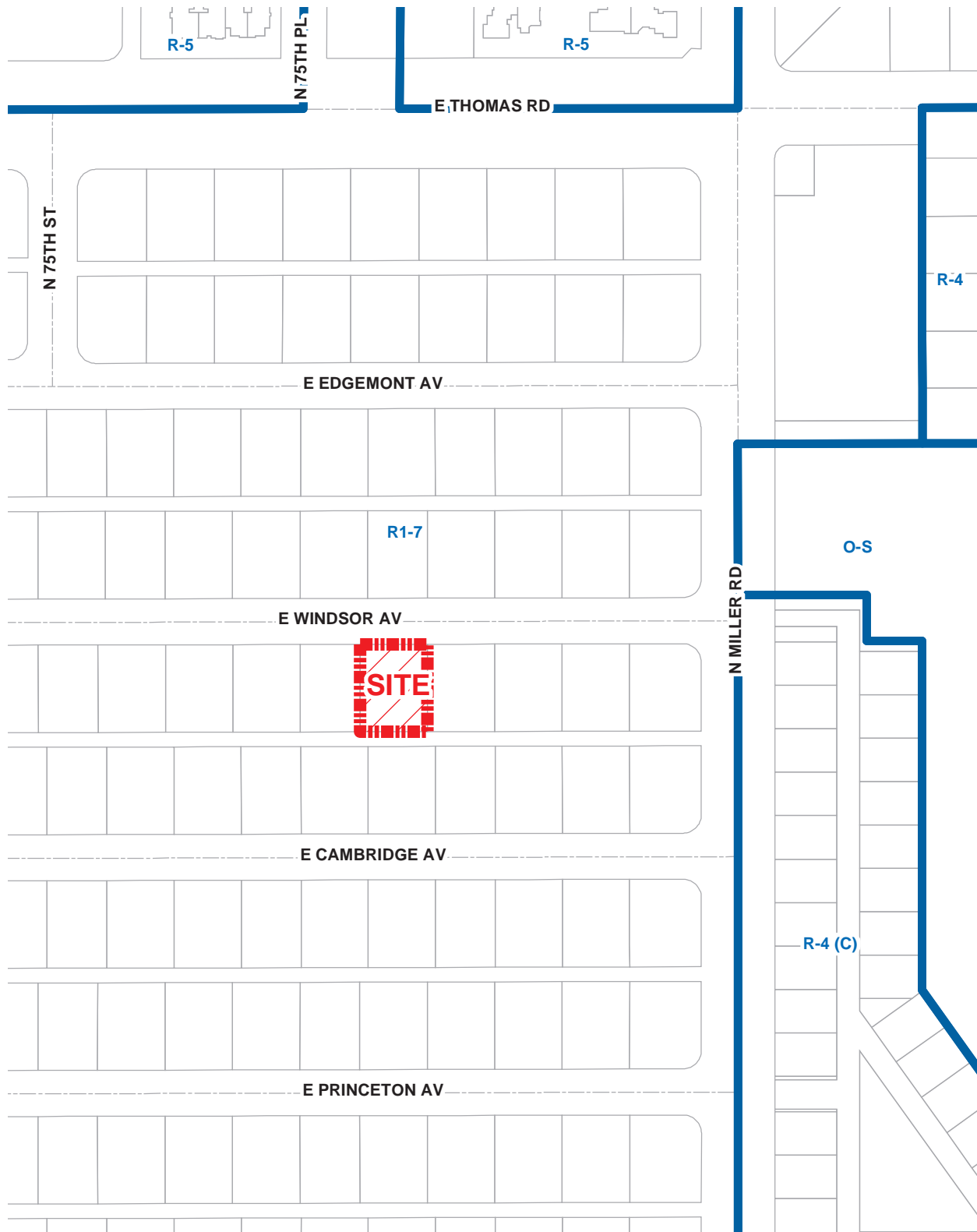




Romo Remodel

**5-BA-2005**

ATTACHMENT #2A

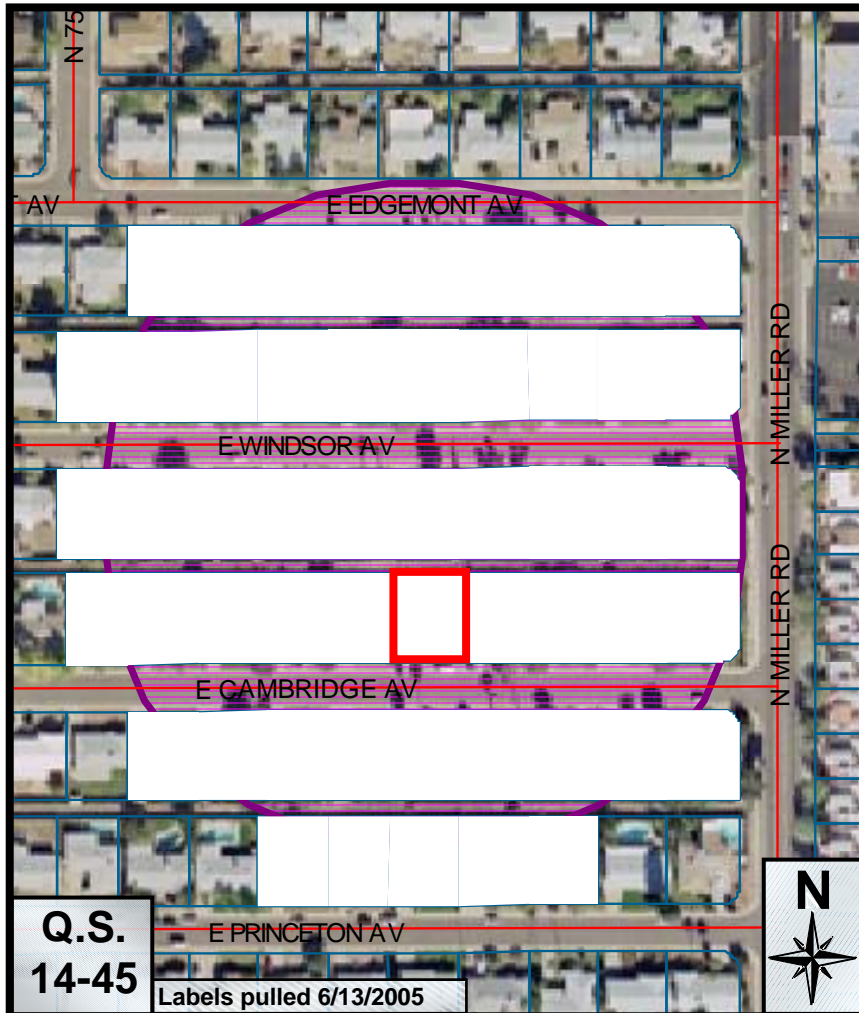


5-BA-2005

ATTACHMENT #4



# City Notifications – Mailing List Selection Map



## Map Legend:



Site Boundary

Properties within 300-feet

## Additional Notifications:

- Interested parties
- adjacent HOAs

Romo Remodel

**5-BA-2005**

ATTACHMENT #6



CASE NO: \_\_\_\_\_

PROJECT LOCATION: \_\_\_\_\_

7525 E. WINDSOR AVE

## COMMUNITY INPUT CERTIFICATION

In the City of Scottsdale it is important that all applicants for rezoning, use permit, and/or variances inform neighboring residents, affected school districts, and other parties that may be impacted by the proposed use, as well as invite their input. The applicant shall submit this completed certification with the application as verification that such contact has been made.

Date	Name (person, organization, etc.) and address	Contact Format		
		Meeting	Phone	Letter
5-7-2005	See attached Mailing list w/ comments			X

Michael J. Piro  
Signature of owner/applicant

5-24-05  
Date



Hello Neighbor,

I am sending this letter to inform you of my project to rebuild my home on 7525 E. Windsor Ave. Sending you this letter is a requirement by the City of Scottsdale, when applying for a Zoning Ordinance Variance, called Neighborhood Involvement. I will be providing any comments that I receive from you back to the city in a Neighborhood Involvement Report.

The following pages includes:

- Project request and description narrative
- Location
- Size of lot and home
- Zoning
- Site plan
- City Project Coordinator and my (Applicant) contact info

Some background info: My wife Tracy and I were living in the house when the fire occurred. No one was hurt and we are in a rental house now. Plans to rebuild have been delayed so that I can apply for 2 Zoning Variances with the City of Scottsdale. It seemed intuitive that I could rebuild along existing original exterior walls of the house. However, I learned that our neighborhood, Cavalier Vista, was rezoned when the City of Scottsdale acquired us from the County. This caused our Setback Requirements to be different than when our homes were originally constructed. The following pages describe the requirements as well as the 2 Variances which I am applying for. If you have any questions or comments, please provide them to me as quickly as possible. Feel free to call; if you reach voice mail please leave a message with your name and comment.

I am requesting your support of my effort to obtain the Variances. I believe that when I am completed with my project to rebuild my home, the home will fit wonderfully with our neighborhood's identity and appeal. I also believe that my practically new home, when complete, will help to improve the value of the rest of the homes in the neighborhood.

Tracy and I miss our neighborhood and hope to be back in our reconstructed home by Christmas. Thank you for your patience.

Respectfully,  
Mike and Tracy Romo

**Project Narrative for 7525 E. Windsor Ave. Remodel due to fire  
Project No: 217 – PA – 2005**

**Contacts:**

**Scottsdale City Project Coordinator -**

Bill Verschuren

Phone: 480 312 7734

Email: [bverschuren@ScottsdaleAZ.gov](mailto:bverschuren@ScottsdaleAZ.gov)

**Applicant for Zoning Ordinance Variance –**

Mike Romo

Phone: 480 720 9392

Email: [Mike.Romo@gdc4s.com](mailto:Mike.Romo@gdc4s.com)

Mailing Address: PO Box 3232 , Scottsdale , Az 85271

**INFO:**

The home is (was) 1660 livable Sq. Ft.

The Lot size is 6,956 Sq. Ft.

The present Zoning is R1-7

Residential House location: 7525 E. Windsor Ave, Scottsdale , AZ 85257

**Project narrative:**

This is a single-family residence with a driveway perpendicular to the street entering the small 2-car carport on the West side of the front of the home. Major damage was done by a fire (cause undetermined) which started on the rear patio.

I am taking this opportunity to improve my home and livable space to ~2500 Sq. Ft.

My proposal for reconstructing our home is to:

- ***Use as much of the existing masonry block exterior walls as possible\**** This minimizes rebuild costs. (See Variance 1 below)
- ***Use all of the existing foundation.\**** This minimizes rebuild costs.
- Extend the home towards the rear of the lot to gain additional living space. There will be no violation of the Rear Setback requirement.
- New floor plan to take advantage of additional living space (see Site Plan attached)

- Replace the existing roof with a 10 ft. ceiling roof design that requires only exterior load bearing walls.
- ***Enclose the existing carport at the front of the home to create a garage.\*\**** This provides security for family when exiting car, locked storage space and creates an enhanced view from the front of the house. (See Variance 2 below)
- All exterior walls will be finished with stucco after additional insulation is provided. Other homes in the neighborhood have been refinished with stucco so I won't be unique.
- Fir out Interior masonry walls to allow for new wiring and plumbing
- Fire sprinklers will be added per Scottsdale City code
- Gas service will be relocated
- SRP service will be relocated
- Sewer line will be replaced
- Remodel Pool as necessary

**Zoning Ordinance Variances I am requesting:**

**\* Variance 1 Request: Request that I maintain existing 5 feet Side Setback for original house walls as well as for planned addition.**

**Summary of Requirement:** The R1-7 Zone Side Setback Requirement is 5 feet minimum between the side of the house and the side property line, but 14 feet total for both sides. Additionally, there must be a minimum of 14 feet between between main buildings on adjacent lots

**Rationale:** My existing house and planned addition violates the present side setback zoning requirement for our neighborhood. This is a result of our homes in this neighborhood being rezoned sometime after construction in 1959. Most homes in our neighborhood were built with a 5 ft. Side Setback on both sides. If I am granted the Variance to allow 5 ft. Side Setback on both sides, I will remain compatible with our neighborhood. If I am forced to comply with the new zoning requirements I will have to tear down existing walls and foundation to move in 4 ft. This will add cost, create time delays, and reduce my potential livable square footage by more than 200 sq. ft. This will also cause my home site layout to look different than the other homes in our neighborhood.



**\*\* Variance 2 Request: Request a variance on the Front Setback from 20 feet to 16 feet for the garage enclosure only.**

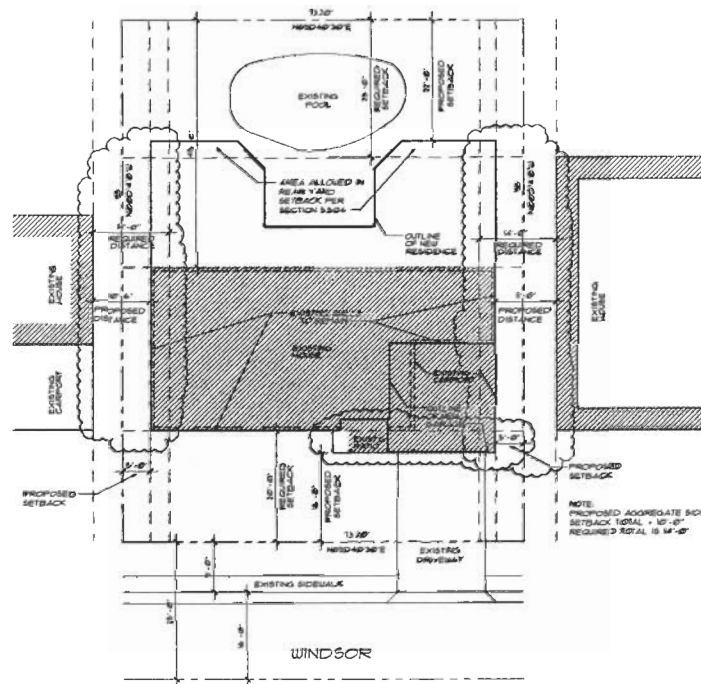
Summary of Requirement: The R1-7 Zone Front Setback Requirement is 20 feet minimum between the front of the house and the front property line. A patio or carport is allowed to be within 10 feet of the front property line subject to certain requirements.

Rationale: My planned enclosure of the carport to make a garage violates the 20 ft. front setback by 4 ft. by putting the garage door where the existing carport entry is now. However, it provides a more esthetically pleasing look versus extending out 10 ft. with a carport (The carport is an alternate plan that complies with present zoning requirements which I will revert to if my garage approach is rejected). The roof on either option will be an integral part of the main house.

# SITE PLAN

## ROMO RESIDENCE

### 7525 E. WINDSOR AVE.



SITE PLAN



SITE INFORMATION	
OWNER:	MR. AND MRS. MICHAEL ROMO 7525 E. WINDSOR AVE. SCOTTSDALE, AZ 85257
SITE ADDRESS:	7525 E. WINDSOR AVE. SCOTTSDALE, AZ 85257
DESIGNER:	DDP RESIDENTIAL DESIGN SERVICES 2225 N. GOLFVIEW AVE. MESA, AZ 85204 (480) 994-1044 (DANIEL HARRIS)
EXISTING LYABLE:	1668 SF
EXISTING GSVB GARPORT:	135
TOTAL EXISTING:	1803 SF
NEW AND EXISTING LYABLE:	1668 SF
NEW GARAGE:	355 SF
MECHANICAL ROOM:	22 SF
TOTAL IMPROV. ROOF:	377 SF
LOT NUMBER:	433
ZONING:	R1-30
APN #:	01-20-001
LOT AREA:	6,500 SF

REVISIONS

BY

7525 E. WINDSOR AVE.  
MESA, ARIZONA 85204  
OFFICE 480-994-1044

RESIDENTIAL DESIGN SERVICES

LOT 433  
CAVALIER VISTA 3ACUSTOM RESIDENCE  
FOR  
MR. & MRS. ROMO  
7525 WINDSOR AVE.  
SCOTTSDALE, AZ 85257

Date: 05/14/2005

Rev:

Draw: DDP

App: DDP-10001

A